

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Airports and Placement of Residential and Educational Facilities

Section 333.02, F.S., addresses airport hazards and uses of land in airport vicinities. Subsection (1) states, in part:

“...certain activities and uses of land in the immediate vicinity of airports ... are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities.”

Accordingly, this section declares:

- The creation or establishment of an airport hazard and the incompatible use of land in airport vicinities are public nuisances and injure the community served by the airport in question;
- It is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and
- This should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.

Section 333.03(1)(a), F.S., requires political subdivisions to “adopt, administer, and enforce” airport zoning regulations for such airport hazard area. Subsection (2) requires political subdivisions to adopt development regulations (or an interim airport land use compatibility zoning regulations) which must consider a number of factors. If the airport authority has conducted a noise study,

“...neither residential construction nor any educational facility as defined in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. part 150, Appendix A or an equivalent noise level as established by other types of noise studies.”

If the airport authority has not conducted a noise study, “neither residential construction nor any educational facility as defined in chapter 1013” may be permitted within an area contiguous to the airport “measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.”

Subsection (3) requires airport zoning regulations must be adopted which restrict

“...new incompatible uses, activities, or construction within runway clear zones... Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of a runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway.”

However, an exemption may be granted for approving construction of an educational facility within the delineated area, but only after the political subdivision administering the zoning regulations “makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.”

Section 1013.36, F.S., requires before acquiring property for sites, each district school board must determine the location of proposed educational centers or campuses, considering “existing and anticipated site needs and the most economical and practicable locations of sites.” However, subsection (3) provides such sites

“...must not be located within any path of flight approach of any airport...or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.”

Effects of Proposed Changes:

Section 1 amends s. 333.03(2) and (3), F.S., to provide, for Miami-Dade County, the restrictions on the placement of educational facilities adjacent to or near airport facilities do not apply. Section 125.011(1), F.S., provides that “County” means any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Currently, only Miami-Dade County qualifies under this definition.

Currently, paragraph (2)(d) states if the airport authority has not conducted a noise study, residential construction and educational facilities may be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.” However, this paragraph is amended to provide “for educational facilities, this provision shall not apply to any county as defined in s. 125.011(1).”

Likewise, subsection (3) requires airport zoning regulations must be adopted which restrict new incompatible uses, activities, or construction within runway clear zones. These regulations must prohibit the construction of an educational facility of a public or private school at either end of a runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. However, this subsection is amended to provide “for educational facilities, this provision shall not apply to any county as defined in s. 125.011(1).”

Section 2 amends s.1013.36(3), F.S., to reference the exemption on the placement of educational facilities adjacent to or near airport facilities for qualified counties.

Section 3 provides this act shall take effect July 1, 2004.

C. SECTION DIRECTORY:

See Effects of Proposed Changes above.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

More construction of educational facilities could occur in Miami-Dade County.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES